



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 15, 1998

Mr. Arturo D. Rodriguez, Jr.
Assistant City Attorney
City of Georgetown
P.O. Box 409
Georgetown, Texas 78627-0409

OR98-3126

Dear Mr. Rodriguez:

You ask that we reconsider our decision in Open Records Letter No. 98-2010 (1998). Your request was assigned ID# 120562.

Open Records Letter No. 98-2010 concerned a request to the City of Georgetown (the "city") for, among other things, "[r]ecords of any complaints made against [Officer Lamont Navarrette] during his employment, his response to those complaints and the final disposition of the complaint." The letter ruling determined that the city may not withhold from disclosure the information at issue based on sections 552.101, 552.103 or 552.108, but must withhold from disclosure Texas driver's license numbers, license plate numbers, and certain criminal history record information. You now argue two grounds for withholding the *complaint files, both of which we find to be without merit.*

You first argue that the city need not release submitted complaint files because you state that the complaints are not complaints as defined in the section 614.022 of the Government Code. Section 614.022 reads as follows:

To be considered by the head of a state agency or by the head of a fire or police department, the complaint must be:

- (1) in writing; and
- (2) signed by the person making the complaint.

The Open Records Act (the "act") applies to all information a governmental body collects, assembles or maintains under a law or ordinance or in connection with the transaction of official business. Gov't Code § 552.002(a). The act does not exclude from its coverage information concerning complaints that do not conform to the requirements of section 614.022.

You also re-urge the privacy claim you make in your original correspondence to this office. Section 552.101 of the Government Code excepts from required public disclosure information considered to be confidential by law, including information made confidential by judicial decision. This exception applies to information made confidential by the common-law right to privacy. *Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). Information may be withheld under section 552.101 in conjunction with the common-law right to privacy if the information contains highly intimate or embarrassing facts about a person's private affairs such that its release would be highly objectionable to a reasonable person and if the information is of no legitimate concern to the public. *See id.*

The public has an interest in knowing how a police department has resolved complaints against a police officer, even if some complaints are found to unfounded or not sustained. Open Records Decision No. 484 (1987). Accordingly, the information is not excepted from disclosure based on the common-law privacy rights of the officer. Consequently, the city must release the information in its entirety immediately.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kay Hastings
Assistant Attorney General
Open Records Division

KHH/ch

Ref.: ID# 120562

Enclosures: Submitted documents

cc: Mr. Kevin Wishard
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(w/o enclosures)